IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.694 OF 2000

Shivaji Dhondi Patil & ors. ... Appellants.
Versus.
Ranga Lakhu Nayakwadi & ors. ... Respondents.

Shri Umesh Mankapure i/by Shri R.V.More for the Appellants.

CORAM : ABHAY S. OKA, J.

DATED : 27th January, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Appellants. He submitted that there was no legal necessity for the Respondent No.3 to execute the sale deed in the year 1968. He stated that in the year 1965 the Appellants had published a public notice in the local newspaper warning the public at large not to enter into any transaction with the Respondent No.3 i.e. the father of the Appellant Nos.2 to 6.

2. After having heard the learned Counsel for the Appellant and perusing the impugned Judgment and Order, I find that there is concurrent finding of fact in so far as the existence of legal necessity is concerned. There are documents on record to show that the Respondent No.3 had borrowed amounts from time to time for the purpose of agriculture. The said findings are based on legal evidence on record. It is not permissible to reappreciate the oral and documentary

evidence in the Appeal under section 100 of the Code of Civil Procedure, 1908.

3. As regards the public notice the finding of the Appellate Court is that there was no evidence to show that the public notice was circulated in the village where the Respondents Nos.1 and 2 reside. In any case the public notice was issued in the year 1965 and the transaction was made in the year 1968. No substantial question of law arises in the Second Appeal. The Second Appeal is dismissed with no order as to costs.

Judge.